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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,531	04/02/2004	Marc Schaepkens	133525-1/YOD GERD:0065	4869
7590	12/11/2006		EXAMINER	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			CHU, CHRIS C	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,531

Applicant(s)

SCHAEPKENS ET AL.

Examiner

Chris C. Chu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 50 is/are pending in the application.
- 4a) Of the above claim(s) 11 - 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 and 47 - 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on October 2, 2006 has been received and entered in the case.

### ***Specification***

2. The disclosure is objected to because of the following informalities:
  - (A) On page 4, paragraph 0017, line 1, before "illustrates" insert --Fig. 7--.Appropriate correction is required.

### ***Claim Objections***

3. Claims 4 and 49 are objected to because of the following informalities:
  - (A) In claim 4, line 10, "the barrier coating" lacks antecedent basis.
  - (B) In claim 49, line 10, "the barrier coating" lacks antecedent basis.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 5, 8 – 10 and 47 – 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Padiyath et al. (U. S. Pat. No. 7,018,713).

Regarding claim 1, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 a package comprising:

- a flexible substrate (the flexible substrate 112 in the element 110 and/or 210; column 3, lines 20 – 21 and column 9, lines 2 and 3) comprising a polymeric transparent film (column 3, lines 35 – 67);
- an organic electronic device (220; column 9, lines 5 – 6. Furthermore, since the element 220 is a light emitting structure of OLED device 200, the element 220 reads as the organic electronic device; column 1, line 8 and column 8, line 67) coupled to the transparent film (see e.g., Fig. 4);
- a sealant (240; column 9, lines 12 – 13) coupled to the flexible substrate (210) and disposed about the perimeter of the organic electronic device (220; see e.g., Fig. 4); and
- a superstrate (250; column 9, lines 11 – 13) coupled directly to the sealant (240) and disposed proximate to the organic electronic device (220; see e.g., Fig. 4),
- wherein the superstrate (250) comprises a periphery adapted to wrap around the edges of the package (see e.g., Fig. 4).

Regarding claim 2, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 the flexible substrate (112 in the element 210 and/or 110) comprising a barrier coating (116; column 3, lines 25 – 26).

Regarding claims 3 and 48, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 the flexible substrate (112 in the element 210 and/or 110) being a composite substrate comprising:

- a first protective layer (the abrasion resistant layer on the surface of the element 210 or 110; column 8, lines 20 – 27) configured to resist abrasion;
- a polymeric transparent film (112; column 3, lines 20 and 21) coupled to the first protective layer (the abrasion resistant layer; column 8, lines 20 – 27);
- a barrier coating (116; column 3, lines 25 and 26) coupled to the transparent film (112; thru the element 114); and
- a second protective layer (126; column 3, line 28) coupled to the barrier coating (thru the elements 118, 120, 122 and 124) and configured to protect the transparent film from chemical attack during fabrication.

Furthermore, the limitations “resist abrasion” and “configured to protect the transparent film from chemical attack during fabrication” are inherent functional languages that do not differentiate the claimed structure over Padiyath et al.

Regarding claims 4 and 49, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 the flexible substrate (112 in the element 210 and/or 110) being a composite substrate comprising:

- a first protective layer (the abrasion resistant layer on the surface of the element 210 or 110) configured to resist abrasion;
- a first polymeric transparent film (112) coupled to the first protective layer;
- a first barrier coating (116) coupled to the first transparent film;
- a second barrier coating (120) coupled to the first barrier coating via an adhesive layer (118);

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- a second polymeric transparent film (124) coupled to the second barrier coating (thru the element 122); and
- a second protective layer (126) coupled to the barrier coating and configured to protect the transparent film from chemical attack during fabrication.

Furthermore, the limitations “resist abrasion” and “configured to protect the transparent film from chemical attack during fabrication” are inherent functional languages that do not differentiate the claimed structure over Padiyath et al.

Regarding claim 5, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 a barrier coating (116) coupled between the flexible substrate (112) and the organic electronic device (220).

Regarding claim 8, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 the sealant (240) comprising an adhesive material (column 9, line 12) having a “low” permeability (Since all of the adhesive layer has some degree of permeability, Padiyath et al. fully meets this limitation.).

Regarding claim 9, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 the sealant (240 with a portion of the adhesive layer that is located right beside of the element 220 and between the top surface of the elements 210 and the bottom surface of the element 250) comprising a thickness that is greater than a thickness of the organic electronic device (220; see e.g., Fig. 4).

Regarding claims 10 and 50, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 the superstrate (250) comprising a metal foil (column 9, line 18).

Regarding claim 47, Padiyath et al. discloses in e.g., Fig. 1 and Fig. 4 a package comprising:

- a flexible substrate (the flexible substrate 112 in the element 110 and/or 210) comprising a polymeric transparent film (column 3, lines 35 – 67);

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- an organic electronic device (220) coupled to the transparent film (see e.g., Fig. 4);
- a sealant (240) coupled to the flexible substrate and disposed about the perimeter of the organic electronic device (see e.g., Fig. 4); and
- a superstrate (250) coupled directly to the sealant (240) and disposed proximate to the organic electronic device (220; see e.g., Fig. 4), wherein the superstrate (250) comprises at least one layer larger than the flexible substrate (the flexible substrate 112 in the element 110 and/or 210) and a periphery adapted to wrap around the edges of the package (see e.g., Fig. 4).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padiyath et al. in view of Silvernail et al. (U. S. Pat. No. 6,537,688).

Regarding claims 6 and 7, While Padiyath et al. discloses the use of the organic electronic device, Padiyath et al. does not disclose an organic light emitting diode (claim 6) and an organic photovoltaic device (claim 7). Silvernail et al. teaches in e.g., Fig. 4, column 1, lines 59 – 63 and column 4, lines 15 – 19 an organic electronic device includes circuits, such as an OLED, an organic light emitting diode and an organic photovoltaic devices. It would have been

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obvious to one of ordinary skill in the art at the time when the invention was made to have an organic light emitting diode and an organic photovoltaic devices as a well known substitute.

*Response to Arguments*

8. Applicant's arguments with respect to claims 1 – 10 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris C. Chu whose telephone number is 571-272-1724. The examiner can normally be reached on 11:30 - 8:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris C. Chu  
Examiner  
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A handwritten signature in black ink, appearing to read 'KENNETH PARKER', written over a horizontal line.

KENNETH PARKER  
SUPERVISORY PATENT EXAMINER

c.c.  
Friday, December 01, 2006